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BODNER & O'ROURKE, L.L.P.

ATTORNEYS AT LAW  
425 Broadhollow Road  
Melville, NY 11747  
TELEPHONE: (631) 249-7500

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## FAX COVER SHEET

TO: U.S. PTO - Ms. Sarah Song  
FAX: 571-273-8300  
FROM: Thomas A. O'Rourke  
DATE: 9/20/05 TIME: 1:30

TOTAL NUMBER OF PAGES INCLUDING COVER SHEET: 19

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16 (including cover page)

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FROM BODNER & O'ROURKE, LLP (TUE) JUL 21 2005 12:32:05 PM [EASTERN DAYLIGHT TIME] NO. 6334462791 P 2

BODNER & O'ROURKE, L.L.P.  
ATTORNEYS AT LAW  
434 BROADWAY, 11TH FLOOR  
NEW YORK, NY 10013  
TELEPHONE (212) 269-7800  
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### FAX COVER SHEET

TO: USPTO  
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FROM: Thomas A. O'Rourke  
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PAGE 01 \* MSG AT 02:28 PM Eastern Daylight Time \* SVR:USPTO-EFAX-631 \* DNIS:2738300 \* CSID:6312494508 \* DURATION (mm-ss):04-02

**TRANSMISSION REPORT**(THU) JUL 21 2005 12:47  
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**SEP 20 2005**PAGES : 16 sheets  
RESULT : OK**BODNER & O'ROURKE, L.L.P.**

ATTORNEYS AT LAW

425 Broadhollow Road  
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**FAX COVER SHEET**TO: US-PTO  
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SEP 20 2005

RECEIPT BY PTO IS HEREBY ACKNOWLEDGED BY DATE/STAMPING AND RETURNING THIS CARD:

APPLICANT: Georgiano et al

SERIAL NO.: 10/037,525

FILED: October 24, 2001

FOR: Card Rack

**ENCLOSURES:** Response to Notice of Non-Compliant Amendment, Request for Extension of Time, check to USPTO for \$60.00, Revised Amendment, Abstract, copy of Notice of Non-Compliant Amendment and postcard receipt.

**DATE MAILED:** June 14, 2005

<b>BODNER &amp; O'ROURKE LLP</b> 425 BROADHOLLOW RD., STE. 108 MELVILLE, NY 11747 (631) 423-2700		1597
DATE: 6/14/05		1-1367/250 420
PAY TO THE ORDER OF: Hon. Commissioner of Patents	\$ 60.00	
Sixty & no/100		DOLLARS
FOR: Litig - Card Rack		
Shorebank		
COMMERCIAL BANK		
FOR: Litig - Card Rack		
PAGE 4/19 * RCVD AT 9/20/2005 1:28:21 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-6/33 * DNIS:2738300 * CSID:6312494508 * DURATION (mm-ss):04-02		

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FROM BODNER & O'ROURKE, LLP

**SEP 20 2005**

(TUE) SEP 20 2005 13:43/ST. 13:40/NO. 6334462791 P 18

**Notice of Non-Compliant  
Amendment (37 CFR 1.121)**

<b>Application No.</b> 10/037,525	<b>Applicant(s)</b> GEORGIANO ET AL.	
<b>Examiner</b> Sarah Song	<b>Art Unit</b> 2874	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The amendment document filed on 06 April 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- ☒ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☒ C. Other See Continuation Sheet.
- ☒ 2. Abstract:
  - ☐ A. Not presented on a separate sheet, 37 CFR 1.72.
  - ☒ B. Other See Continuation Sheet.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☐ E. Other: \_\_\_\_\_.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preoqnotice/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

**Failure to timely respond** to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

FROM BODNER & O'ROURKE, LLP


(TUE) SEP 20 2005 13:44/ST. 13:40/NO. 6334462791 P 19

Continuation Sheet (PTOL-324)

Application No. 10/037,525

Continuation of 1(c) Other: clean version of replacement paragraph must not be submitted in addition to the marked-up version (37 CFR 1.125).

Continuation of 2(b) Other: amended abstract complying with the 150-word limit has not been provided.

A handwritten signature in black ink, appearing to read "Sarah R. Long". The signature is written in a cursive, flowing style.